

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **ED CV 17-54-JFW (DTBx)**

Date: July 31, 2017

Title: Champan R. Washington -v- Wells Fargo Bank, N.A., et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER GRANTING DEFENDANT'S MOTION TO
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**
[filed 7/10/2017; Docket No. 41];

**ORDER DENYING AS MOOT DEFENDANT'S MOTION
TO STRIKE PORTIONS OF PLAINTIFF'S FIRST
AMENDED COMPLAINT [filed 7/10/2017; Docket No.
42]**

On July 10, 2017, Defendant Wells Fargo Bank, N.A., successor by merger to Wachovia Mortgage, FSB ("Defendant") filed a Motion to Dismiss Plaintiff's First Amended Complaint and a Motion to Strike Portions of Plaintiff's First Amended Complaint (collectively, "Motions"). Plaintiff Champan R. Washington ("Plaintiff") did not file an Opposition. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for August 14, 2017 is hereby vacated and the matter taken off calendar. After considering the moving papers, and the arguments therein, the Court rules as follows:

Pursuant to Local Rule 7-9, Plaintiff was required to file and serve her Opposition or Notice of Non-Opposition "not later than twenty-one (21) days before the date designated for the hearing of the motion," or July 24, 2017. See Local Rule 7-9. Local Rule 7-12 provides that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting . . . of the motion." See Local Rule 7-12. Plaintiff failed to file an Opposition to Defendant's Motions on or before July 24, 2017. Pursuant to Local Rule 7-12, the Court deems Plaintiff's failure to file an Opposition or to otherwise comply with Local Rule 7-9 as consent to the granting of Defendant's Motions.

Accordingly, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint is **GRANTED** and Plaintiff's First Amended Complaint is **DISMISSED without leave to amend**. Defendant's Motion to Strike Portions of Plaintiff's First Amended Complaint is **DENIED as moot**.

IT IS SO ORDERED.